

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARIE M. CALIXTE,  
Petitioner,

v.

JOHN ASHCROFT, et al.,  
Respondents.

CIVIL ACTION

NO. 04-10457-MLW

O R D E R

WOLF, D. J.

On March 5, 2004, petitioner Marie Celixte, an immigration detainee currently confined at Bristol County Jail and House of Correction in North Dartmouth, filed a petition for a writ of habeas corpus under Section 2241 and an application to proceed in forma pauperis.

ACCORDINGLY

(1) The Clerk shall correct the case caption to reflect that the only respondent to this action is Thomas Hodgson, the Sheriff of Bristol County. A writ of habeas corpus must be "directed to the person having custody of the person detained." 28 U.S.C. § 2243.

Petitioner's legal custodian is the sheriff of Bristol County, the individual having day-to-day control over the facility in which petitioner is being detained. Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000), cert. denied, sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001); see Mass. Gen. Laws ch. 126 § 16 (sheriff shall have custody and control of the jails in his county.. .and shall be responsible for them);

(2) The Clerk of this Court shall serve a copy of the Petition, by certified mail, upon (i) Thomas Hodgson, Sheriff, Bristol County Jail and House of Correction, 400 Faunce Corner Road, North Dartmouth, MA 02747; (ii) the United States Attorney; AND (iii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114 AND

(3) The Respondent shall, within 21 days of receipt of this Order, file an answer or

other responsive pleading.

(3) The Respondent shall provide the Court with at least seven-days advance notice of any scheduled deportation or removal of petitioner.

SO ORDERED.

3/31/04  
Date

s/ Mark L. Wolf  
United States District Judge

(2241servINS.wpd - 09/00)

[2241serv.]